ORDINANCE NO. 1

Series, 1965

AN ORDINANCE VACATING A PORTION OF SOUTH 7th AVENUE OF THE CITY OF ELGIN, WHICH STREET WAS PLATTED AS SPRUCE STREET AND THAT PORTION OF SAID STREET WHICH WAS CREATED FROM LOT 10 ON THE NORTH SIDE OF MAIN STREET OF ELGIN, UNION COUNTY, OREGON, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Elgin, Union County, Oregon, by Resolution No. 7, Series, 1964, approved and adopted on the 10th day of November, 1964, initiated vacation proceedings for the vacation of a portion of South 7th Avenue of the City of Elgin, which street was platted as Spruce Street and that portion of said street which was created from Lot 10 on the north side of Main Street of Elgin, Union County, Oregon, and did by such Resolution declare its intention to make such vacation without the petition of property owners, unless good cause to the contrary be shown, and

WHEREAS, said City Council did cause an examination to be made of the hereinabove described street and the properties adjacent to and adjoining said street and properties situated in the immediate vicinity thereof, and found that the vacation of that portion of the hereinabove described street will not in any way adversely affect the market value of adjoining, adjacent and closely situated properties nor cause any damages to inure thereto, and that the interest of the public therein will not be prejudiced by such vacation, and

WHEREAS, a sidewalk has been constructed for many years on the east boundary line of the hereinabove described portion of said street, and there is no actual roadway or thoroughfare upon said portion of said street, and there are no electric transmission lines, television transmission lines, telephone transmission lines, water mains, gas lines, sewer lines, or other public utilities situated in, upon or under said portion of said street, and

WHEREAS, the property owners adjacent to said portion of said street, and each of them, have requested that said portion of said street be vacated and that the City Council initiate such vacation proceedings with respect to said portion of said street pursuant to ORS 271.130, and

WHEREAS, notice of such street vacation was published in the Elgin Recorder once each week for four consecutive weeks, in the issues of November 19 and 26 and December 3 and 10, 1964, as shown by the affidavit of publication of such notice heretofore filed herein, and

WHEREAS, notice of such proposed street vacation was posted in two conspicuous places in public view, to-wit: One (1) at the intersection of South 7th Avenue and Division Street, and One (1) at the intersection of South 7th Avenue and Alder Street, and due proof of such posting having been heretofore filed in affidavit form with the City Recorder of Elgin, Oregon, and

WHEREAS, at the time and place fixed for the hearing on said vacation, to-wit: at the hour of 8:00 P. M. on Tuesday, the 12th day of January, 1965, in the City Council room at the City Hall in Elgin, Oregon, said hearing on said proposed vacation was held; that no objections or remonstrances to such street vacation were made in writing and filed with the City Recorder of said City prior to the time of such hearing; that no objections or remonstrances of any kind have been made to such vacation;

NOW, THEREFORE:

The City of Elgin does hereby ordain as follows:

Section 1. That the notice of the time and place of hearing on the above described street vacation as required by Resolution Number 7, Series, 1964, has been given as required.

Section 2. That the proposed street vacation will not in any way adversely affect the market value of the adjoining, adjacent and closely situated properties, nor will cause any damage to inure thereto, nor will the interest of the public therein be prejudiced by such vacation.

Section 3.

That portion of South Seventh Avenue of the City of Elgin, which street was platted as Spruce Street in the Plat of Hindman's Addition to Elgin, Union County, Oregon (Plat Book 1, Page 27) and that portion of said Street which was created from lot 10 on the North side of Main Street of Elgin (Plat book 1, page 18) subsequent to the deeding of said lot 10 to The City of Elgin (Deed Book "U", page 460), all referring to records of Union County, Oregon, and which Street is now designated and named South Seventh Avenue of the City of Elgin, particularly described as follows, to-wit:

> Commencing at the Northeast corner of lot 1, block 64, Hindman's Addition to Elgin, Union County, Oregon, as platted; thence South, along the East line of said lot 1 a distance of 100 feet to the Southeast corner of said lot 1; thence West 8.8 feet to the Northeast corner of lot 11 on the North Side of Main Street, as platted on the recorded plat of Elgin; thence South, along the East line of said lot 11, a distance of 106 feet to a point which is 14 feet North of the Southeast corner of said lot 11 as platted; thence East 14 feet to the West line of the existing concrete sidewalk; thence North, along the West line of said existing concrete sidewalk, 206 feet; thence West 5.2 feet to the point of beginning.

be and the same is hereby vacated.

Section 4. It appearing that the hereinabove described street to be vacated has not for many years last past been open to public travel but that the same has been used for residential and commercial purposes and that there is presently underway certain construction in and upon the above described street and adjacent and adjoining land and that, therefore, it is necessary for the preservation of the peace and quiet of the City of Elgin that this ordinance take effect immediately upon its passage and approval, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the Council and approved by the Mayor.

PASSED this 12th day of January, 1965.

APPROVED this 12th day of January, 1965.

Jack N Halsey.
ACTING Mayor

Attested to and filed this
12th day of January, 1965.

Ethel D Hunt
City Recorder